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*Plaintiff*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

JOSEPH J. UPCHURCH,

Plaintiff,

v.

INTERNATIONAL UNION OF PAINTERS  
AND ALLIED TRADES INDUSTRY PENSION  
PLAN; and NORTHERN CALIFORNIA  
GLAZIERS, ARCHITECTURAL METAL AND  
GLASSWORKERS PENSION TRUST FUND,

Defendants.

Case No.: 2:25-cv-01918-DC-AC

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE MOTION TO  
DISMISS HEARING AND FOR ALL  
PARTIES TO SERVE DOCUMENTS  
BY EMAIL**

Date: December 3, 2025  
Time: 10:00 a.m.  
Judge: Hon. Allison Claire  
Courtroom: 26, 8th Floor  
Compl. Filed: July 7, 2025

1 The parties, Plaintiff Joseph J. Upchurch (pro se), Defendant International Union of  
2 Painters and Allied Trades Industry Pension Fund, and Defendant Northern California Glaziers,  
3 Architectural Metal and Glassworkers Pension Trust Fund hereby jointly stipulate to continue the  
4 date of the hearings for Defendants' respective motions to dismiss to December 17, 2025 at  
5 10:00am and for all parties to serve documents on the others by email in this case going forward,  
6 pursuant to Fed. R. Civ. P. 5(b)(2)(E), for good cause as set forth herein.

7 WHEREAS, Defendants each filed a Motion to Dismiss in this matter on October 27,  
8 2025 (ECF Nos. 15, 18), noticing their Motions to be heard on December 3, 2025 at 10:00am;

9 WHEREAS, hearings on these Motions to Dismiss are currently scheduled for December  
10 3, 2025 at 10:00am;

11 WHEREAS, Plaintiff Joseph J. Upchurch has a medical procedure scheduled on  
12 December 3, 2025, and is unable to attend a hearing on that day;

13 WHEREAS, Local Rule 230(f) permits "[r]equests for continuances of hearings on the  
14 motion calendar, upon stipulation or otherwise" when submitted "at least seven (7) days before  
15 the scheduled hearing date";

16 WHEREAS, Federal Rule of Civil Procedure 5(b)(2)(E) permits service via electronic  
17 means if consented to in writing;

18 WHEREAS, email service by the parties in lieu of service by first-class mail would lead  
19 to more efficient litigation of this matter;

20 NOW THEREFORE, the parties stipulate to and request the following:

- 21 1. The hearings on Defendants' Motions to Dismiss shall be continued and rescheduled  
22 to Wednesday, December 17, 2025, at 10:00am.
- 23 2. All parties consent to electronic service of all documents filed and/or served in this  
24 case via email at the addresses listed in the signatures below, and all parties agree to  
25 serve documents on other parties by email in this case pursuant to Fed. R. Civ. P.  
26 5(b)(2)(E).

27 Dated: October 31, 2025

/s/ Jacob Karabell

Jacob Karabell\*\*

J. Alexander Rowell\*\*

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*Counsel for Defendant International Union  
of Painters and Allied Trades Industry  
Pension Fund*

Dated: October 31, 2025

/s/ Laura Bremer (as authorized on  
10/31/2025)

Ana Halmon, Esq. (SBN 253309)

\*Laura Bremer, Esq. (SBN 162900)

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*Counsel for Defendant Northern California  
Glaziers, Architectural Metal and  
Glassworkers Pension Trust Fund*

Dated: October 31, 2025

/s/ Joseph J. Upchurch (original signature  
retained by Jacob Karabell)

Joseph J. Upchurch (pro se)

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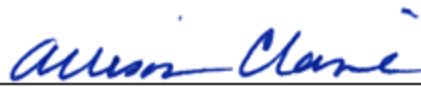
*Plaintiff*

**[PROPOSED] ORDER**

Pursuant to the Parties' stipulation, and good cause appearing, it is hereby ORDERED that the hearings on Defendants' Motions to Dismiss (ECF Nos. 15, 18) are CONTINUED to December 17, 2025, at 10:00 a.m. It is also ordered that the parties shall serve documents filed and/or served on other parties going forward by email, instead of first-class mail, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

**IT IS SO ORDERED:**

Dated: November 3, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE